

Message Text

PAGE 01 USUN N 04263 271929Z

64

ACTION L-03

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 CIAE-00 DODE-00 PM-07 H-03 INR-10 NSAE-00

NSC-10 PA-04 PRS-01 SPC-03 SS-20 USIA-15 ACDA-19

CPR-02 SCA-01 SY-10 OIC-04 DRC-01 /201 W

----- 097688

R 271845Z OCT 73

FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 565

LIMITED OFFICIAL USE USUN 4263

E.O. 11652: N/A

TAGS: UNGA, PINS

SUBJECT: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS

1. DRAFTING COMMITTEE HAD PRODUCTIVE MEETING MORNING OF OCT 27, WITH ALL MEMBERS OF COMMITTEE PRESENT.

2. DESPITE LARGE SENTIMENT IN FAVOR OF SWEDISH AMENDMENT TO ARTICLE 6 (A/C.6/L.933)(TRANSMITTED PARA 5 OF USUN 4060), IN VIEW OF STRONG OPPOSITION FROM USSR, INDIA AND TUNISIA, SWEDES OFFERED MERELY TO DROP WORDS "THOUGH PROCEEDINGS" FROM ILC TEXT. HOWEVER, THIS OPPOSED BY USSR, FRANCE, AND MALI. IN VIEW OF PARA 4 OF ILC COMMENTARY ON ARTICLE 6, SWEDEN THEN DECIDED NOT TO PRESS ANY AMENDMENT, AND DRAFTING COMMITTEE AGREED TO ADOPT ON SECOND READING TEXT OF ILC ARTICLE WITHOUT CHANGE.

3. ARTICLE 7, PARA 1, ADOPTED WITH WORDS "DEEMED TO HAVE BEEN" CHANGED TO "DEEMED TO BE" IN FIRST SENTENCE.

4. AFTER DISCUSSION OF DANISH AMENDMENT (A/C.6/L.932) TO DROP WORD "PROCEDURAL" FROM PARA 2 OF ARTICLE 7 AND OF FRENCH PROPOSAL TO SUBSTITUTE HAGUE LANGUAGE "SUBJECT LIMITED OFFICIAL USE LIMITED OFFICIAL USE

PAGE 02 USUN N 04263 271929Z

TO THE CONDITIONS" FOR "PROCEDURAL", NEITHER OF WHICH USSR WILLING TO ACCEPT, DRAFTING COMMITTEE AGREED ON BULGARIAN COMPROMISE RESULTING IN FOLLOWING REVISION OF LAST SENTENCE OF PARA 2 OF ARTICLE 7: "EXTRADITION SHALL

BE SUBJECT TO THE PROCEDURAL PROVISIONS AND OTHER CONDITIONS OF THE LAW OF THE REQUESTED STATE."

5. IN FIRST SENTENCE OF PARA 2 OF ARTICLE 7, WORDS "THE PRESENT ARTICLES" CHANGED TO "THE PRESENT CONVENTION."

6. FRENCH SUGGESTION TO CHANGE WORDS "IT MAY" TO "IT SHALL" IN FIRST SENTENCE OF PARA 2 OF ARTICLE 7 NOT ACCEPTED BY DRAFTING COMMITTEE. FRANCE AND TUNISIA RESERVED THEIR POSITIONS ON THIS POINT.

7. PARA 3 OF ARTICLE 7 ADOPTED WITH CHANGE ALONG SAME LINES AS DESCRIBED PARA 4 ABOVE. TUNISIA MAINTAINED RESERVATION BECAUSE "SHALL RECOGNIZE" NOT CHANGED TO "MAY RECOGNIZE."

8. DRAFTING COMMITTEE THUS ADOPTED ARTICLE 6 AND FIRST THREE PARAS OF ARTICLE 7. NEXT, DISCUSSION TURNED TO DANISH AMENDMENT TO DELETE PARA 4 OF ARTICLE 7. THIS SUPPORTED BY FRANCE, UK, INDIA, UAE, SWEDEN, COLOMBIA, US, AND JAPAN. USSR OPPOSED. CHAIRMAN SAHOVIC (YUGOSLAVIA) ARGUED STRONGLY IN FAVOR OF DELETION, AND NEXT MEETING OF DRAFTING COMMITTEE ON OCT 29 WILL BEGIN WITH THIS POINT.

9. OCT 29 SAHOVIC INTENDS TO ATTEMPT TO PROGRESS THOUGH ARTICLES 7, 8, 10, AND 11, AND THE PREAMBLE, AND ONLY THEREAFTER (AT SUBSEQUENT MEETING) RETURN TO MORE DIFFICULT ISSUES IN ARTICLES 5 AND 2, AS WELL AS GERMAN AMENDMENT TO ADD NEW PARA TO ARTICLE 3.

10. AFTERNOON OCT 26 WEO GROUP MET TO CONSIDER ISSUE OF ASYLUM, WITH DISCUSSION CENTERING MAINLY ON TACTICS. HARD LINE AGAINST INCLUSION OF ANY PROVISION ON ASYLUM TAKEN BY CANADA, FRANCE AND FINLAND, WHO THOUGHT SUCH PROVISION COULD BE DEFEATED ON VOTE, AND WHO BELIEVE THAT, WHILE LATINS TAKE LINE THAT CONVENTION WOULD BE UNACCEPTABLE WITHOUT ARTICLE ON ASYLUM, LATER ON THEY WILL COME AROUND AND BECOME PARTIES. OTHERS IN WEO GROUP NOT SO SURE THAT PROVISION ON LIMITED OFFICIAL USE
LIMITED OFFICIAL USE

PAGE 03 USUN N 04263 271929Z

ASYLUM COULD BE VOTED DOWN IN LEGAL COMMITTEE AND MORE CONCERNED ABOUT POSSIBILITY THAT LATINS MIGHT NOT BECOME PARTIES TO CONVENTION IF IT ADOPTED WITHOUT ASYLUM PROVISION. THESE THOUGHT IT WORTH EXPLORING WAYS TO LIMIT AND WATER DOWN ASYLUM PROVISION. RESULT WAS THAT WEO GROUP DECIDED TO ATTEMPT TO ARRANGE MEETING FOR EVENING OCT 29 BETWEEN REPRESENTATIVE SAMPLE OF WEO GROUP (UK, CANADA, FRANCE, NETHERLANDS, BELGIUM, AND US), UNDER UK CHAIRMANSHIP, AND GROUP OF LATINS. UK IS TO INVITE SANCHEZ GAVITO (MEXICO), WHO WILL INVITE OTHER LATINS. HOPE IS THAT ISSUE WILL BE PUT OFF IN LEGAL COMMITTEE PENDING RESULTS OF THESE CONSULTATIONS. AT CONSULTATIONS, WEO GROUP MEMBERS WILL TAKE HARD LINE AGAINST ANY ASYLUM PROVISION, AND

WHEN SHOWN MOST RECENT MEXICAN "COMPROMISE" PROPOSAL WILL SAY
IT IS NOT LIMITED ENOUGH, BUT EXPRESS WILLINGNESS TO LOOK AT
SOMETHING BETTER.
SCALI

LIMITED OFFICIAL USE

<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: X
Capture Date: 02 APR 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 27 OCT 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: garlanwa
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973USUNN04263
Document Source: ADS
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: n/a
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731064/abqcedbq.tel
Line Count: 115
Locator: TEXT ON-LINE
Office: n/a
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: garlanwa
Review Comment: n/a
Review Content Flags:
Review Date: 16 OCT 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16-Oct-2001 by smithrj>; APPROVED <11-Dec-2001 by garlanwa>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: UNGA--LEGAL COMMITTEE--PROTECTION OF OF DIPLOMATS
TAGS: UNGA, PINS
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005